U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

Exemption No.
Regulatory Docket No. FAA-2002-11884

Kathleen Yodice, Esq.
Counsel for the Indiana Aviation Museum
Law Offices of Yodice Associates
601 Pennsylvania Avenue, NW.
Suite 875, South Building
Washington, DC 20004

Dear Ms. Yodice:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

The Basis for Our Decision

On May 14, 2004, you petitioned the Federal Aviation Administration (FAA) on behalf of Indiana Aviation Museum (IAM) for an exemption from §§ 91.315, 91.319(a)(2), 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations (14 CFR). That request was amended on January 17, 2006, to remove the BAC-167 Strikemaster from the petition. The exemption, if granted, would allow IAM to operate its North America P-51D Mustang (P-51D) (Registration No. N151W, Serial No. 45-11540N), Chance Vought F4U-5 Corsair (F4U-5) (Registration No. N179PT, Serial No. 122179), and North American T-28B Trojan (T-28B) (Registration No. N6263T, Serial No. 140018), which have been issued limited or experimental airworthiness certificates, to carry passengers on local flights in return for donations.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent.

The FAA has issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 8744 (copy enclosed), the FAA found that preserving historic U.S. aircraft is in the public interest, in the same manner that preserving historic buildings, landmarks, and neighborhoods has been determined to be in the public interest. While the aviation history can be represented with static displays in museums in the same manner that historic landmarks can be represented in museums, the public has shown a willingness to support the preservation and operation of historic aircraft and a desire to experience flights in them.

Having reviewed your reasons for requesting an exemption, I find that—

- they do not differ materially from those presented by the petitioner in the enclosed grant of exemption;
- the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present; and
- a grant of exemption is in the public interest.

Our Decision

Under the authority contained in 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I hereby grant Indiana Aviation Museum an exemption from 14 CFR §§ 91.315, 91.319(a)(2), 119.5(g), and 119.21(a) to the extent necessary to allow IAM to operate its P-51D, F4U-5, and T-28B, which have been issued limited or experimental airworthiness certificates, to carry passengers on local flights in return for donations, subject to the conditions and limitations described below.

Conditions and Limitations

1. This exemption applies only to the aircraft listed below—
    a. P-51D (Registration No. N151W, Serial No. 45-11540N)
    b. F4U-5 (Registration No. N179PT, Serial No. 122179)
    c. T-28B (Registration No. N6263T, Serial No. 140018)
2. IAM must maintain its P-51D, F4U-5, and T-28B in accordance with the—
    a. Maintenance requirements as specified in its P-51D type specification sheet, as amended;
    b. FAA-approved maintenance inspection program appropriate to the aircraft;
    c. F4U-5 and T-28 operations limits; and
    d. P-51D, F4U-5, and T-28B military technical manuals.

3. The pilot in command (PIC) must—

   a. Hold at least a commercial pilot certificate with an airplane instrument rating and a P-51D, F4U-5, or T-28B experimental aircraft authorization;

   b. Have completed within the previous 12 calendar months, IAM's PIC qualification and recurrent flight and ground training program in the P-51D, F4U-5, or T-28B for which PIC privileges are sought;

   c. Have completed within the previous 12 calendar months, IAM's PIC proficiency check in the P-51D, F4U-5, or T-28B for which PIC privileges are sought;

   d. Have at least a total of 2,500 hours of aeronautical flight experience, 1,000 hours of aeronautical flight experience in airplanes, and 25 hours in a P-51D, F4U-5, or T-28B or have at least a total of 1,000 hours of aeronautical flight experience, 200 hours of aeronautical flight experience in airplanes, and 100 hours and 50 takeoffs and 50 landings in a P-51D, F4U-5, or T-28B; and

   e. Have accomplished within the previous 90 days, three takeoffs and three landings to a full stop in a P-51D, F4U-5, or T-28B for which PIC privileges are sought. For initial PIC qualification in a P-51D, F4U-5, or T-28B or if the pilot has allowed his/her takeoff and landing currency to lapse in a P-51D, F4U-5, or T-28B the takeoff and landing currency may not be accomplished during passenger-carrying operations.

4. IAM must develop and maintain a written P-51D, F4U-5, or T-28B qualification and recurrent ground training program for its PICs that covers the training subjects listed below. Each PIC must receive the following training within the previous 12 calendar months and be found competent and proficient in these areas prior to serving in a PIC position in a P-51D, F4U-5, or T-28B for IAM:

REQUIRED TRAINING TASKS
a. General information and description of the airplane;
b. Aircraft limitations;
c. Aircraft servicing;
d. Airspeeds;
e. Fuel system;
f. Electrical system;
g. Hydraulic system;
h. Engines;
i. Instruments and avionics;
j. Landing gear, brakes, controls, and flaps systems;
k. Propeller;
l. Emergency procedures, including—
(i) Instruction in emergency assignments and procedures, including coordination among crewmembers;

(ii) Individual instruction in the location, function, and operation of emergency equipment, including—
A. First aid equipment and its proper use; and
B. Portable fire extinguishers, with emphasis on the type of extinguisher to be used on different classes of fires;
(iii) Instruction in the handling of emergency situations, including—
A. Fire in flight or on the surface and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas; and
B. Illness, injury, or other abnormal situations involving passengers or crewmembers;
m. Weight and balance;
n. Performance planning; and
o. Airplane's checklist.

5. IAM must develop and maintain written P-51D, F4U-5, or T-28B qualification and recurrent flight training programs for its PICs that covers the areas of operations and tasks, as listed in the following table of training tasks. Each PIC must successfully accomplish this training before being assigned PIC responsibilities and duties. Each PIC must receive and successfully accomplish the following training within the previous 12 calendar months and be found competent and proficient in these areas prior to serving in a PIC position in a P-51D, F4U-5, or T-28B for IAM:

REQUIRED TRAINING TASKS
a. Preflight Preparation
(i) Aircraft exam (oral or written)
(ii) Aircraft performance & limitations (oral or written)
b. Ground Operations
(i) Preflight inspection
(ii) Cockpit resource management
(iii) Powerplant start procedures
(iv) Taxiing
(v) Pre-takeoff checks
c. Takeoffs & Departures
(i) Normal & crosswind takeoffs
(ii) Powerplant failure
(iii) Rejected takeoffs
d. In-flight Maneuvers
(i) Steep turns
(ii) Approach to stalls
(iii) Powerplant failure
(iv) Specific flight characteristics

e. Landings & Approaches to Landing
(i) Normal & crosswind approaches & landing
(ii) Maneuvering to a landing with a simulated powerplant failure
(iii) Rejected landing
(iv) Landing from a no flap or a nonstandard flap approach
f. Normal & Abnormal Procedures
(i) Powerplant
(ii) Fuel system
(iii) Electrical system
(iv) Hydraulic system
(v) Environmental & pressurization system (as appropriate and if equipped)
(vi) Fire detection & extinguishing system
(vii) Navigation & avionics system
(viii) Automatic flight control system, electronic flight instrument system, & related systems (as appropriate and if equipped)
(ix) Flight control system
(x) Anti-ice & deice system
(xi) Aircraft & personal emergency equipment
g. Emergency Procedures
(i) In-flight fire & smoke removal
(ii) Rapid decompression (as appropriate and if equipped with a pressurization system)
(iii) Emergency descent
(iv) Ditching
(v) Emergency evacuation
h. Post flight Procedures
(i) After landing procedures
(ii) Parking and securing aircraft

6. IAM may not use a pilot nor may any pilot serve as a pilot in any aircraft unless, since the beginning of the 12th calendar month before that service, that pilot has passed a competency check given by the FAA or an authorized check pilot in that aircraft to determine the pilot's competence in practical skills and techniques in the appropriate aircraft. The competency check will consist of the appropriate maneuvers and procedures currently required for the original issuance of the commercial pilot certificate. The FAA's South Bend Flight Standards District Office (FSDO) will determine what maneuvers and procedures are critical, such as preflight preparation, ground operations, takeoffs and departures, and normal procedures, etc., and maneuvers and procedures that may be unsafe for a particular aircraft.

7. Recurrent flight training for pilots must include, at least, flight training in the maneuvers and procedures in this exemption. However, satisfactory completion of the check required by this exemption within the preceding 12 calendar months may be substituted for recurrent flight training.

8. IAM must document and record all ground and flight training and/or testing required by this grant of exemption in a manner acceptable to the FAA's South Bend FSDO. That documentation and records must contain the following information:

   a. Date of each training session.

   b. Date of each testing session.

   c. The amount of time of each session of ground and flight training given.

   d. The amount of time of each session of ground and flight testing given.

   e. Location where each session of ground and flight training was given.

   f. Location where each session of ground and flight testing was given.

   g. The airplane identification number in which each flight training session was received.

   h. The airplane identification number in which each flight testing session was received.

   i. The name and certificate number of the pilot who provided each session of training.

   j. The name and certificate number of the pilot who provided each session of testing.

   k. The signature and printed name of the pilot who received the training. That pilot's signature will serve as verification of having received each session of training.

   l. The signature and printed name of the pilot who received the testing. That pilot's signature will serve as verification of having received each session of testing.

9. When requested, the IAM's pilot qualification and recurrent ground- and flight-training programs and/or records for the P-51D, F4U-5, or T-28B, as appropriate, qualification and recurrent ground- and flight-training programs and/or records must be made available to South Bend FSDO, 1843 Commerce Drive, Suite 200, South Bend, Indiana 46628; (574) 245-4600.

10. IAM must have the services of an FAA-certificated airframe and powerplant mechanic or an appropriately rated repair station available at all stopovers to perform all required maintenance inspections and repairs.

11. IAM will maintain the following information and records and will make those records available for review to the FAA when requested:

    a. The name of each pilot crewmember IAM authorizes to conduct flight operations in its airplanes under the terms of this exemption;

    b. Copies of each PIC's pilot certificate, medical certificate, qualifications, and initial and recurrent training and testing; and

    c. Records of maintenance performed and maintenance inspection records. Maintenance and inspection records must meet the requirements of §§ 91.405, 43.9, and 43.11.

12. Before permitting a person to be carried on board its airplane for the purposes authorized under this exemption, IAM will inform that person that its airplanes hold only a limited airworthiness certificate; the significance of the airworthiness certificate as compared to a standard airworthiness certificate; and that the FAA has authorized this flight under a grant of exemption from the requirements of §§ 91.315, 91.319(a)(2), 119.5(g), and 119.21(a). The explanation of the significance of a limited airworthiness certificate compared to a standard airworthiness certificate must include at least the following information:

    a. The FAA has not established nor has it approved limited category airworthiness certificated aircraft manufacturing standards. In contrast, standard category airworthiness certificated aircraft are manufactured to FAA-approved standards, including standards addressing the design of the aircraft and life-limited parts.

    b. Limited category airworthiness certificates are issued when the FAA finds the airplane—

        i. Has been previously issued a limited category type certificate and the aircraft conforms to that type certificate; and

        ii. To be in a good state of preservation and repair and is in a safe operating condition.

    c. An aircraft may be issued an experimental airworthiness certificate for the purpose of exhibition when the aircraft is intended only for exhibition of the aircraft's flight capabilities, performance, or unusual characteristics at airshows, motion picture, television, and similar productions and the maintenance of exhibition flight proficiency, including (for persons exhibiting the aircraft) flying to and from such airshows and productions.

    d. Standard category airworthiness certificates are issued for an aircraft when the FAA finds the—

        i. Aircraft has been built and maintained in accordance with that aircraft's type certification standards as established by the FAA; and

        ii. Aircraft's inspection and maintenance requirements are in compliance with the applicable Federal Aviation Regulations.

13. IAM must notify the South Bend FSDO within 24 hours of any of the following occurrences by written report, by electronic mail, or by facsimile:
    a. Each in-flight fire in any system or area that requires activation of any fire suppression system or discharge of a portable fire extinguisher.
    b. Each exhaust system component failure, including the turbocharger components, that causes damage to any engine, structure, cowling, or components.
    c. Each airplane component or system that causes, during flight, accumulation or circulation of noxious fumes, smoke, or vapor in any portion of the cabin or crew area.
    d. Except for training, each occurrence of engine shutdown and the reason for such shutdown.
    e. Each failure of the propeller governing systems.
    f. Any landing gear system or component failures or malfunctions which require use of emergency or standby extension systems.
    g. Each failure or malfunction of the wheel brake systems that causes loss of brake control on the ground.
    h. Each airplane structure that requires major repair due to damage, deformation, or corrosion and the method of repair.
    i. Each failure or malfunction of the fuel system, tanks, pumps, or valves.
    j. Each malfunction, failure, or defect in any system or component that requires taking emergency action of any type during the course of any flight.
    k. For the purpose of this section, “during flight” means the period from the moment the airplane leaves the surface of the earth on takeoff until it touches down on landing.

14. All flight operations must be conducted —
    a. At a minimum operating altitude of not less than 1,000 feet above ground level (AGL);
    b. Between the hours of official sunrise and sunset, as established in the American Air Almanac, as converted to local time;
    c. Within a 25-statute-mile radius of the departure airport with landings only permitted at the departure airport;
    d. With a minimum flight visibility of not less than 3 statute miles and a minimum ceiling of not less than 1,500 feet AGL;
    e. Passenger-carrying operations for compensation may be conducted at distances greater than 25 statute miles of the departure airport up to 50 statute miles with concurrence of the FAA FSDO having geographic responsibility for the aviation event. For such flights, landings are permitted only at the departure airport. The operator must provide

information pertaining to the proposed route of flight, which will avoid densely populated areas or congested airways in accordance with 14 CFR § 91.319(c) for aircraft certificated in the experimental category. Those operators utilizing aircraft certificated in the limited category are not bound by the restriction regarding the avoidance of densely populated areas or congested airways;

f. For passenger-carrying operations greater than 25 statute miles from the departure airport and up to 50 statute miles, the pilot in command must obtain weather reports and forecasts prior to flight and valid for the duration of the proposed operation that indicate that the weather would be no less than 5 statute miles visibility and cloud ceilings no less than 2,000 feet AGL. Passenger-carrying operations shall be terminated if ceiling and visibility become less than the minimum required by these conditions and limitations. Weather forecasts listing discriminators such as PROB, BECOMG, or TEMPO shall be limiting; and,

g. The aircraft may only be operated from an airport that has a fire station or fire-fighting services available or within close proximity of the airport.

15. Except for essential crewmembers, all flight operations must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the airplane.

16. All aircraft must have the equipment listed in §§ 91.205(b) and 91.207 and that equipment must be in an operable condition during the flight.

17. IAM must hold and continue to hold a determination from the U.S. Internal Revenue Service that it is a § 501(c)(3) nonprofit, tax-exempt, charitable organization under §§ 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

18. IAM must notify the South Bend FSDO at least 5 working days (Mondays through Fridays) before conducting any PIC initial or recurrent qualification training and any PIC initial or recurrent proficiency checks required to be conducted under the terms of this grant of exemption.

19. No later than 72 hours prior to commencing flight operations under the terms of this grant of exemption, IAM must notify the jurisdictional FAA FSDO where it intends to conduct the flight operations and shall provide a copy of this exemption to that jurisdictional FAA FSDO.

20. Failure to comply with any of these conditions and limitations of this grant of exemption will be grounds for the immediate suspension or revocation of this exemption.

This exemption terminates on June 30, 2010, unless sooner superseded or rescinded.

Sincerely,

Enclosure

Project No.: AFS-04-450-E

Project Officer: _____
ARM-105:TTHOMAS:05/13/08:Doc# 27626
ARM-1/100/105:AFS-800

[*Insert Stylewriter Score Here*]

KATHLEEN YODICE ESQ
COUNSEL FOR THE INDIANA AVIATION MUSEUM
LAW OFFICES OF YODICE ASSOCIATES
601 PENNSYLVANIA AVENUE NW
SUITE 875 SOUTH BUILDING
WASHINGTON DC 20004